

# **EXHIBIT A**

Page 1

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2           UNITED STATES DISTRICT COURT  
3           FOR THE SOUTHERN DISTRICT OF NEW YORK  
4           Case No.: 1:21-cv-7955-LAK  
5           and Consolidated Cases 21-cv-7957-LAK  
6           and 21-cv-7959-LAK

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5           MARVEL CHARACTERS, INC.,  
6                 Plaintiff and Counterclaim-Defendant  
7                 - against -  
8           LAWRENCE D. LIEBER,  
9                 Defendant and Counterclaimant.

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10          MARVEL CHARACTERS, INC.,  
11  
12                 Plaintiff and Counterclaim-Defendant,  
13                 - against -

14          KEITH A. DETTWILER, in his capacity as  
15           Executor of the Estate of Donald L. Heck,  
16                 Defendant and Counterclaimant.

-----x

16          MARVEL CHARACTERS, INC.,  
17                 Plaintiff and Counterclaim-Defendant,  
18                 - against -  
19          PATRICK S. DITKO, in his capacity as  
20           Administrator of the Estate of Stephen J.  
21           Ditko,  
22                 Defendant and Counterclaimant.

-----x

22

23                 October 27, 2022  
24                 9:35 a.m.

25

\*CAPTION CONTINUED ON THE FOLLOWING PAGE.

Page 2

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VIDEOTAPED DEPOSITION of KEITH  
DETTWILER, pursuant to Federal Rule of  
Civil Procedure 30, held at the offices of  
O'Melveny & Myers LLP, located at 7 Times  
Square, New York, New York 10036, before  
Anthony Giarro, a Registered Professional  
Reporter, a Certified Realtime Reporter and  
a Notary Public of the State of New York.

Page 3

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2 A P P E A R A N C E S :

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O'MELVENY & MYERS LLP

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MATTHEW KAISER, ESQ.

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TOBEROFF & ASSOCIATES, P.C.

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Attorneys for Keith Dettwiler

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17

Malibu, California 90265

18

BY: MARC TOBEROFF, ESQ.

19

JAYMIE PARKKINEN, ESQ.

20

(via Zoom)

21

22

ALSO PRESENT:

23

MARCELO RIVERA, Videographer

24

ELI BARD, Marvel

25

(via Zoom)

Page 7

1 KEITH DETTWILER

2 Dettwiler.

3 THE VIDEOGRAPHER: Counsel  
4 that just joined, could you please  
5 state your name for the record?

6 MS. LENS: Guess not.

7 K E I T H D E T T W I L E R, after  
8 having first been duly sworn by a Notary  
9 Public of the State of New York, was  
10 examined and testified as follows:

11 EXAMINATION BY

12 MS. LENS:

13 Q Good morning, Mr. Dettwiler.  
14 I introduced myself before we began. But  
15 just to formally do it on the record, my  
16 name is Molly Lens. As you just heard, I  
17 represent Marvel Characters, Inc. in this  
18 case. And I'll be taking your deposition  
19 today.

20 Could you please state your  
21 name for the record, please?

22 A Yeah. It's Keith A.  
23 Dettwiler.

24 Q And could you state your  
25 address, please?

Page 93

1 KEITH DETTWILER

2 A They're not inaccurate.

3 Q And, again, if I showed you  
4 other comics that your uncle had worked  
5 on at Marvel, would you have any basis to  
6 dispute the accuracy of those credits,  
7 sir? You wouldn't, would you?

8 A I wouldn't.

9 Q We can put 20 aside for the  
10 time being.

11 I'm going to go ahead and  
12 mark as Exhibit 33, a document Bates  
13 Stamped DETTWILER14 through DETTWILER127.

14 (The above-referred-to  
15 document was marked as Exhibit 33 for  
16 identification, as of this date.)

17 MR. TOBEROFF: This is  
18 Exhibit -- I'm sorry. What's the  
19 number?

20 MS. LENS: 33.

21 Q Fair to say, Mr. Dettwiler,  
22 that this document is familiar to you;  
23 right?

24 A Yes, it is.

25 Q And what is it, sir?

Page 94

1

KEITH DETTWILER

2

A It's my uncle's ledgers of  
what he made of the artwork that he did.

4

Q And this is a document that  
you found in his files when you went  
through his materials after his passing?

7

A Well, I had a copy of it,  
yes.

9

Q You had your sister copy it;  
correct?

11

A Yes.

12

Q But the original was found  
in his files after he passed?

14

A The original was found in  
his house, yes.

16

Q And your sister took the  
original after he passed or you provided  
it to her?

19

A I provided it to her.

20

Q So after finding your  
uncle's accounting notebooks in his house  
after he passed, you provided them to  
your sister; yes?

24

A Mm-hmm.

25

Q That's a yes?

Page 95

1

KEITH DETTWILER

2

A Oh. Yes.

3

Q And subsequently, your  
sister at your request provided you an  
accurate copy of those notebooks;  
correct?

6

A Yes.

8

Q And what we're looking at  
here is a copy of those copies?

10

A Yes.

11

Q Did you or your sister  
provide a copy of your uncle's accounting  
notebook to anyone in connection with the  
Jack Kirby litigation?

15

A Not that I'm aware.

16

Q Do you have any  
understanding of how the Kirbys produced  
a number of pages from your uncle's  
accounting notebook in that litigation?

20

MR. TOBEROFF: Lacks  
foundation.

22

A I don't know.

23

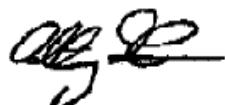
Q And you're aware that  
Mr. Toberoff represented the Kirbys in  
that litigation; correct?

Page 149

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2                   C E R T I F I C A T I O N  
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5                   I, ANTHONY GIARRO, a Shorthand  
6                   Reporter and a Notary Public, do hereby  
7                   certify that the foregoing witness, KEITH  
8                   DETTWILER, was duly sworn on the date  
9                   indicated, and that the foregoing, to the  
10                  best of my ability, is a true and accurate  
11                  transcription of my stenographic notes.

12                  I further certify that I am not  
13                  employed by nor related to any party to  
14                  this action.

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16  
17                  

18                  ANTHONY GIARRO  
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